

HOUSE BILL No. 1193

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2.

Synopsis: Number of county commissioners. Allows a county other than Marion County to elect a five member county executive.

Effective: July 1, 2005.

Thompson

January 6, 2005, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1193

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-2-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 2. The three (3) **or five (5)** member
3 board of commissioners of a county elected under this chapter is the
4 county executive. In the name of "The Board of Commissioners of the
5 County of _____", the executive shall transact the business of the
6 county.
7 SECTION 2. IC 36-2-2-2.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2005]: **Sec. 2.5. (a) The executive may adopt an ordinance**
10 **increasing the executive from three (3) to five (5) members. The**
11 **executive must adopt the ordinance in the year after a general**
12 **election in which two (2) members of the executive are elected**
13 **under section 3(a)(1) of this chapter. Three (3) members shall be**
14 **elected at the general election in the year following the adoption of**
15 **the ordinance. The members shall be elected at all succeeding**
16 **general elections as set forth in section 3(a)(2) of this chapter.**
17 **(b) The executive may adopt an ordinance reducing the**

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executive from five (5) to three (3) members. The executive must adopt the ordinance in the year after a general election in which two (2) members of the executive are elected under section 3(a)(2) of this chapter. Only one (1) member shall be elected at the general election in the year following the adoption of the ordinance. The members shall be elected at all succeeding general elections as set forth in section 3(a)(1) of this chapter.

SECTION 3. IC 36-2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The executive shall be elected under IC 3-10-2-13 by the voters of the county. The number of members to be elected to the executive alternates between:

- (1) one (1) and two (2) members at succeeding general elections for a three (3) member executive; and
- (2) two (2) and three (3) members at succeeding general elections for a five (5) member executive.

(b) The term of office of a member of the executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 4. IC 36-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The executive shall divide the county into three (3) districts ~~that are for~~ **a three (3) member executive or five (5) districts for a five (5) member executive. Each district must be** composed of contiguous territory and ~~are be~~ reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the county into three (3) single-member districts **for a three (3) member executive or five (5) single-member districts for a five (5) member executive** that comply with subsection (d). The commission is composed of:

- (1) the members of the Indiana election commission;

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(2) two (2) members of the senate selected by the president pro tempore **of the senate**, one (1) from each political party; and
 (3) two (2) members of the house of representatives selected by the speaker **of the house of representatives**, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The executive shall divide the county into:

- (1) three (3) single-member districts **for a three (3) member executive; or**
- (2) **five (5) single-member districts for a five (5) member executive;**

that comply with subsection (d).

(d) Single-member districts established under subsection (b) or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) contain, as nearly as is possible, equal population; and
- (3) not cross precinct lines.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) in ~~2001~~ **2011** and every ten (10) years after that; and
- (2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 5. IC 36-2-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected.

(c) If the person does not remain a resident of the county and district

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after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) ~~in~~ **This subsection applies to** a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

One (1) member of ~~the~~ **a three (3) member** executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. ~~in other counties;~~ **One (1) member of a five (5) member executive shall be elected by the voters of each of the five (5) single-member districts established under section 4(b) or 4(c) of this chapter.**

(e) **This subsection applies to a county that is not described in subsection (d).** All ~~three (3)~~ members of the executive shall be elected by the voters of the whole county.

SECTION 6. IC 36-2-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) If: ~~the executive~~

(1) **a three (3) member executive finds that at least two (2) or more of its the executive's members; or**

(2) **a five (5) member executive finds that at least three (3) of the executive's members;**

are disqualified from acting in a quasi-judicial proceeding, the disqualified members shall cease to act in that proceeding. Within ten (10) days after the finding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the members of the executive, ~~he~~ **the judge** shall appoint disinterested and competent persons to serve as special members of the executive in the proceeding.

(b) A person who consents to serve as a special member of the executive must have the same qualifications as an elected member of the executive. ~~His~~ **The person's** appointment and oath shall be filed with the county auditor and entered on the records of the executive, and ~~he~~ **the person** may act with the other members of the executive conducting the proceeding until a final determination is reached.

SECTION 7. IC 36-2-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three

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hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). **If the county executive divides the county into three (3) districts under IC 36-2-2-4(c),** three (3) of ~~these~~ **these** the districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) in ~~2001~~ **2011** and every ten (10) years after that; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

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